

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

EDDIE RODRIGUEZ, *et al.*,

*Plaintiffs,*

vs.

RICK PERRY, *et al.*,

*Defendants.*

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No. 1:11-CV-00451-LY

**ADVISORY TO THE COURT ON SCHEDULING MATTERS**

Plaintiffs bring the following matters to the Court's attention:

1. The redistricting plan for federal congressional seats—contained in Senate Bill 4—enacted in the first called session of the 82<sup>nd</sup> Texas Legislature (which convened May 31<sup>st</sup>) was sent to the Governor on June 24<sup>th</sup> and still awaits action by him. Under the Texas Constitution, the Governor has until the end of the day July 19<sup>th</sup> to either sign the bill or veto it; otherwise, it becomes enacted law on July 20<sup>th</sup>. *See* Tex. Const. Art. IV, § 14.
2. Under Texas law, Senate Bill 4 is not effective as law until September 28<sup>th</sup>. *See* Senate Bill 4, Art. III, § 5. In contrast, new redistricting plans for the Texas House of Representatives, Texas Senate, and State Board of Education were passed and signed during the regular session of the 82<sup>nd</sup> Texas Legislature and become effective under state law on August 29<sup>th</sup>, a month before Senate Bill 4's effective date.
3. The congressional plan has not been submitted for preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. As a matter of federal law, the state cannot implement the congressional plan until it is precleared as required by Section 5. *See Clark v. Roemer*, 500 U.S. 646, 652 (1991).
4. The plaintiffs bring these matters to the Court's attention in connection with the Amended Scheduling Order of July 8<sup>th</sup> in *Perez v. Perry*, No. 5:11CV360, pending in the San Antonio Division of this District before a panel composed of two of the three judges composing the panel in this case. That scheduling order sets a trial date of September 6<sup>th</sup>, which is after the other redistricting plans become effective under state law but before Senate Bill 4 becomes effective (assuming it clears the gubernatorial stage of enactment, as anticipated). No scheduling order has been entered to date for this case.

Respectfully submitted,

Renea Hicks  
State Bar No. 09580400  
[rhicks@renea-hicks.com](mailto:rhicks@renea-hicks.com)  
Law Office of Max Renea Hicks  
101 West 6th Street  
Austin, Texas 78701  
(512) 480-8231  
(512) 480-9105 FAX

**SCOTT, DOUGLASS & MCCONNICO, L.L.P.**

BY: /s/ Steve McConnico  
Steve McConnico  
State Bar No. 13450300  
[smcconnico@scottdoug.com](mailto:smcconnico@scottdoug.com)  
S. Abraham Kuczaj, III  
State Bar No. 24046249  
[akuczaj@scottdoug.com](mailto:akuczaj@scottdoug.com)  
Sam Johnson  
State Bar No. 10790600  
[sjohnson@scottdoug.com](mailto:sjohnson@scottdoug.com)  
600 Congress Avenue, Suite 1500  
Austin, Texas 78701-2589  
(512) 495-6300 – Telephone  
(512) 474-0731 – Facsimile

ATTORNEYS FOR PLAINTIFFS EDDIE  
RODRIGUEZ, *ET AL.*, TRAVIS COUNTY,  
AND CITY OF AUSTIN

David Escamilla  
Travis County Attorney  
State Bar No. 06662300  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9416 - Telephone  
(512) 854-4808 - Facsimile

ATTORNEY FOR PLAINTIFF  
TRAVIS COUNTY

Karen Kennard  
City Attorney  
State Bar No. 11280700  
P.O. Box 1088  
Austin, Texas 78767-1088  
(512) 974-2268 - Telephone  
(512) 974-6490 - Facsimile

ATTORNEY FOR PLAINTIFF  
CITY OF AUSTIN

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of July, 2011, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to the following:

**Attorney for Plaintiffs Eddie Rodriguez, et al.,  
Travis County, and City of Austin**

Max Renea Hicks

***VIA FAX: 512-480-8231***

Law Office of Max Renea Hicks

101 W. 6th Street, Suite 504

Austin, Texas 78701

**Attorney for Defendants Gov. Rick Perry,  
Lt. Gov. David Dewhurst, Speaker Joe Straus,  
Secretary of State Hope Andrade, and  
the State Of Texas**

David Schenck, Deputy Attorney General  
for Legal Counsel

***VIA FAX: 512-936-0545***

209 W 14th Street

Austin, TX 78711

**Attorney for Defendant Chair of the  
Texas Democratic Party Boyd L. Richie**

Chad W. Dunn

***VIA FAX: 281-580-6362***

4201 FM 1960 West, Suite 530

Houston, TX 77068

**Attorney for Defendant Chair of the  
Republican Party of Texas Steve Munisteri**

Donna Garcia Davidson

***VIA FAX: 877-200-6001***

P.O. Box 12131

Austin, TX 78711-2131

/s/ Steve McConnico  
Steve McConnico